



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-190
Regulation Title:	Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases
Action Title:	Review
Date:	July 7, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The regulation establishes a statistically based sampling program to monitor for the early detection of avian influenza and other infectious and contagious diseases in poultry. The regulation also includes a provision enabling a person to market poultry recovered from avian influenza after obtaining prior approval from the State Veterinarian.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

§§3.1-724 and 3.1-726 of the Code of Virginia (1950), as amended, requires the Board and State Veterinarian to establish rules and regulations to best protect Virginia’s poultry against all contagious and infectious diseases.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment was received on this regulation review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation’s impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Specific and measurable goals:

1. Protection of the public’s health, safety and welfare with the least possible cost and intrusiveness to citizens and businesses of the Commonwealth.

2. Provide a disease surveillance system by requiring the:
 - a. Submission of poultry specimens for diagnostic testing for of avian influenza and other infectious and contagious diseases, and

 - b. Inventory of poultry flocks accomplished by their owner when requested by the State Veterinarian.

Effectiveness of the regulation in achieving such goals: No major poultry disease outbreaks have developed in Virginia since the implementation of this regulation.

Food safety is critical to the health, safety and welfare of all citizens of the Commonwealth. Concerns regarding salmonellosis associated with eggs, for example, have received national public attention. In addition, poultry is an inexpensive form of protein, the low price largely based on a plentiful supply of birds. Other infectious and contagious diseases of poultry, though not infectious to humans, can seriously and negatively impact the numbers of poultry available for food due to death losses and decreased reproduction, with a resultant diminished supply of product and increased cost to consumers. Consequently, the regulations providing for early detection of such diseases are crucial for public protection, preventing poultry shortages, and minimizing economic losses.

The regulation helps ensure family stability and the family institution through containment and prevention of potential zoonotic disease (diseases transmissible between man and animals). Such diseases could adversely affect families through direct contraction of disease by family members, severe economic loss to the family institution, or a diminished or more costly food supply.

The regulation is clearly written and easily understandable by the individuals and entities affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The alternative to this regulation is not to require poultry companies to submit samples of poultry tissues for analysis or to provide an inventory of their flocks when requested by the State Veterinarian. The agency rejects this alternative, because the absence of this information would not afford an opportunity for early detection of an infectious or contagious poultry disease, thus allowing disease to spread to healthy flocks. The lack of such a detection system could be devastating to the industry and to the effective control of disease outbreaks.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The regulation should stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

Unless otherwise discussed in this report, this regulation has no impact upon families.